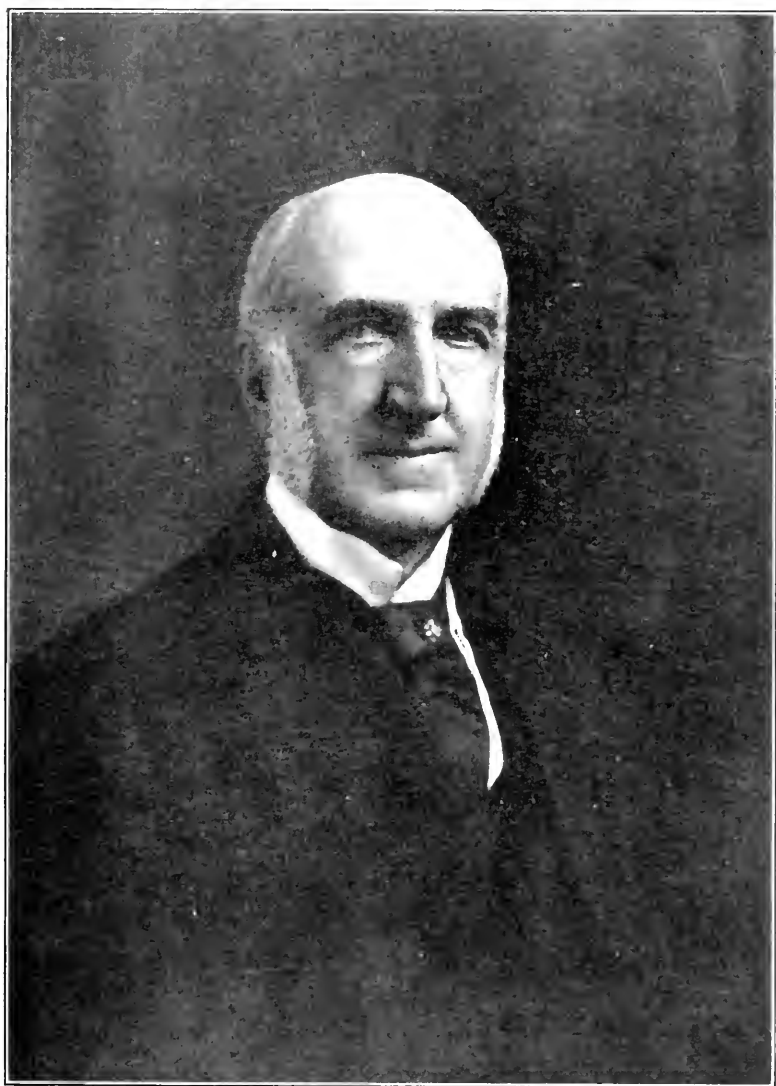


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FIFTEENTH CELEBRATION
OF THE BIRTHDAY OF
SENATOR CHAUNCEY M. DEPEW
BY THE
Montauk Club of Brooklyn
April 27, 1907



Chanucy M. Depew,

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TO COLUMBIA

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On Saturday night, April 27, 1907, the Montauk Club gave its fifteenth successive annual dinner celebrating the birthday of Senator Depew. Lieutenant Governor Woodruff presided. Each of these occasions has had a distinctive souvenir. This time it was a photograph, taken for the occasion, and a song written by a member of the Club and sung, with the accompaniment of an orchestra, by the two hundred and twenty-five gentlemen who were the hosts.

Senator Depew spoke as follows:

Governor Woodruff and Friends: I am glad to see the Governor, whom we all love, is able to be present with us to-night, and his President of the Club took the chair. I was fearful that something might happen to him. I read in one of the great New York journals the other day that he had appointed that newspaper as the arbitrator of a committee to decide who was the most beautiful person in New York. The picture of the lady has certainly convinced me of his excellent judgment. I thought I should tell my wife, "This picture represents the handsomest woman in the State." She replied, "I do not think so." That the Governor escaped with his life from this arbitration and decision is wonderful. Mrs. Woodruff, I understand, returned immediately from abroad.

Reminiscences are the characteristics of a birthday. They necessarily include a hasty inventory of the net results of a lifetime. Of course the balance sheet is not all credits, but fortunately for mankind

there is almost always a surplus of happiness. It would be a dull and stupid existence which presented no contrasts. All good luck and success would create phenomenal and disagreeable egotists and mollicoddles. It requires frequent knock-downs and knock-outs to keep the successful man's head within its natural limits and his views of the world normal. When a distinguished and powerful gentleman in official or political life is noticed by his friends to be twirling his fingers in the air some distance from his head believing that he is scratching it, the only remedy is bankruptcy or political misfortune.

It is fifteen years since this club began to pay me these annual compliments. Harrison was President, Flower was Governor and I was fifty-eight years of age. More things have happened affecting our country and our state within that period than during any other in our history except the civil war. I return thanks to God, and take courage that in the powers and strength allotted by nature, I know no difference between fifty-eight, sixty-eight and the seventy-three of to-night. There is no doubt that the span of life with the retention of vigor is extending. Alabama has just re-elected Senator Pettus at eighty-six and Morgan at eighty-four for six years more of senatorial life. Senator Pettus has really with his unexpired term eight years yet to serve. When he was making a speech at the close of the last session, one of the elders of the Senate was listening intently, though he was impatient because of a pressing engagement in his committee room. When Pettus said, "I still have eight years with you Senators," my elderly colleague remarked, "Well, if he is going to be here eight years more I will have an opportunity to hear him again, so I will go out." Cullom at 78 has also been unanimously re-elected for six years, and Allison at 76 is the venerated, honored and beloved elder of that body, while the ever sprightly, always youthful, absolutely irrepressible Speaker, Joe Cannon, who enters blissfully upon the procession of the seventies, is younger

in spirits, in capacity for work, in intuitive grasp of political situations, in appreciation of popular opinion and of the needs of the country than any of his colleagues in the House.

I have had my full share of enjoyable gifts in my several departments of activities, but none of them has given me so much unalloyed pleasure as these continuing, non-partisan and cordial greetings by the members of the Montauk Club. Work and cheerfulness have been our annual texts. A French philosopher said, "Laugh and the world laughs with you, snore and you sleep alone." That man lives best who labors to the limit of his life and dies in the harness. The epitaph placed by his comrades on the cowboy's grave, "Here lies Bill Jones. He done his damndest. Angels could do no more," roughly fills the bill. I have always deprecated retirement from one's business or profession at any time. I tried it last year on the doctor's prescription for rest: The country side, out of doors, the study of nature, some golf, some motoring—any form of recreation—a few friends, no newspapers and absolute abstinence from work. I could say with Tennyson every day, "Better fifty years of Europe than a cycle of Cathay."

When one has been, like myself, fifty-one years upon the platform, with its infinite opportunities to study human nature and to meet all the men and women who have risen into temporary or permanent observation in this or other countries, the failure to have kept a diary is regrettable. The death of an English notable is regarded with terror by his contemporaries. He always leaves an autobiography, the attractiveness of which depends upon its portraiture of the men and women he has known, and yet they are most valuable contributions to history. The habit is not yet common with us. My old friend, Andrew D. White, has made a notable contribution to this department of literature, and Mark Twain is daily recording his experiences. I attempted to relieve the tedium of rest by this kind of work, but found its difficulties

almost insuperable because of the loss of the touch and union with the men, the circumstances and the hour recorded in a daily diary when the impression was fresh. When I think over the Presidents I have known well, from Lincoln to Roosevelt, the educators from Woolsey to Hadley, the men of letters from Ralph Waldo Emerson to Mark Twain, the captains of industry from Commodore Vanderbilt to those now in the public eye, the great orators from Wendell Phillips down, the great preachers from Theodore Parker, Beecher and Storrs, the great generals from Scott, of the elders, to Grant, Sherman and Sheridan, the admirals from Farragut to Dewey, the masterful politicians from Thurlow Weed to Senator Quay, the great journalists from Greeley, Bennett and Raymond to their successors of to-day, the travelers from Bayard Taylor and Stanley, and foreigners not only great in their own country, but of international fame, it seems as if the world had lost something because I did not carry a mental camera, which snap shot on the enduring page impressions and facts which the biographer cannot gather from the family archives or the library, and which would present a picture of the men and women as they were and the spirit of the times when I was fortunate enough to meet them. However, the memory of it all, though incomplete, embodies treasures gathered in an active life, which give exquisite pleasure and can never be dissipated.

A wave of municipal reform started from a widely heralded remark made at this table at our first meeting. We have never discussed politics, and have escaped without difficulty a consideration of the causes of the panic of '94-95, of the craze of sixteen to one of '96, which nearly captured the country, of McKinley prosperity, the Spanish war and the acquisition of the Philippines. But new conditions like those which existed prior to and during the civil war, affecting the fundamental structure of our government, seem to make it impossible at any gathering now not to consider the tendencies of the times.

A calm consideration of the trend of public opinion leads to the conclusion that it is rapidly crystalizing for increasing the power of the Executive, with a consequent decrease in the authority of the Legislative and Judicial branches. A brief review of our political history will demonstrate this.

We live under a written constitution, happily described by Gladstone as the most extraordinary instrument ever struck off at one time by the hand of man. Many startling changes have occurred and been upheld by the courts without altering a letter of the great charter, and whether it be the process of evolution or the swing of the pendulum, the rapidity of these changes within the past few years is phenomenal. We have a centralization of power and executive authority beyond the dreams of Hamilton, and it is the popular will. The fathers of the republic, alarmed by the usurpations of George III., had at first in their articles of federation no executive and no authority for the enforcement of laws. When finally by a series of compromises the constitution was created, its designers intended that there should be three independent branches of government—executive, legislative and judicial—and that the Congress should be the source of power, subject only to the veto of the President, which could be overcome by a two-thirds vote, and to the decisions of the Supreme Court of the United States on constitutional restrictions. They also intended that Federal authority should be limited to powers granted and by the sovereignty and jurisdiction reserved by the states, but John Marshall, for 34 years Chief Justice of the United States, read into the law interpretations of the constitution which enabled Andrew Jackson to defeat nullification, and Abraham Lincoln to fight the civil war, conquer the rebellious states and emancipate the slaves. Two millions of men tramping across state boundaries to preserve the union became the teachers for their generation and the young men who come after them of the concentration of national authority. Ten millions of immi-

grants who have come from many lands to escape religious or political persecution, or to better their conditions, know little and care less for state sovereignty, but give their allegiance and enthusiasm to the flag under whose folds they have secured liberty and homes. More of our people travel than those of any other country, and to them as they fly over our great distances state lines are figments of the imagination, except as an arbitrary regulation governing liquid refreshments on the dining car irritates them because what they desire is denied at one meal and granted at the next because the train has run into another State. The utterance of our distinguished Secretary of State, Elihu Root: "It may be that such control could better be exercised in particular instances by the Government of the States, but the people will have the control they need either from the States or from the National Government; and if the States fail to furnish it in due measure, sooner or later constructions of the Constitution will be found to vest the power where it will be exercised by the National Government," would have created a revolution within years which we can remember, but now it does not even make a partisan issue; while President Roosevelt's stronger assertion of the same idea in the following words: "We need, through executive action, through legislation and through judicial interpretation, and construction of law, to increase the power of the Federal Government. If we fail thus to increase it, we show our impotence," is received with little dissent.

The rate bill passed by the last Congress was a tremendous advance in federal authority, while anti-lottery laws, pure food laws and other federal acts, within what were presumed to be the health and police powers of the States, receive general approval, and in the appropriation of eighty millions of dollars at the last session for rivers and harbors. State rights men, sharing in the benefits and forgetting the veto of one of their Presidents of a similar bill because of its unconstitutionality, and the

failure of another to sign for the same reason, hailed with joyous acclaim the wise liberality of the federal government. There is a lot of human nature in the world, and at times it works mightily against political principles. The swing of the pendulum is noticed in the significance of words. "Radical" has always been the terror of our religion and politics. "Too radical" has defeated candidates and parties. It has closed the church to professors of new religious ideals and conventions to men of opinions in advance of their party. But we have passed so far beyond the things we feared that a radical is one not up with the times. Our peril now is a reactionary.

But still more remarkable than centralization is the expansion of popular appreciation of the executive office. The Presidency has grown into proportions which overshadow the Congress and the Courts. The people expect the President not only to deliver the messages contemplated by the constitution, but to instruct their representatives on all matters of interest. The formative or restraining hand of the Executive is on every detail and proposed amendment of leading measures. There are ninety Senators and three hundred and eighty-six members of the House of Representatives, but apparently the people believe their functions are to ratify recommendations, and they resent independent Congressional suggestions which alter bills or opposition to their enactment.

Andrew Johnson was placed on trial and escaped impeachment by the narrow margin of one vote for antagonizing Congress, and several of the statesmen who with great courage and independence voted for his acquittal were ostracized by their constituents and driven from public life, but the pendulum has swung to the other extreme, as was witnessed during the last session by resolutions from the Legislature of one of the newer states, instructing their Senators and Members to ascertain the President's wishes before voting and to follow his directions. The drastic criticism in a message to Congress

of a Federal Judge for his decision against the constitutionality of a law, greatly desired by the President, would in recent years have formed the basis of bitter debate, and the opposition would have tried for partisan advantage by appealing to popular reverence for the Court, and shouting for the independence of the Judiciary. But the President's position was almost unanimously approved by the press, and the deputy leader of the opposition in the House of Representatives followed it up by introducing a proposition to make Judges removable at the pleasure of the President, which would make the Judiciary an echo of the President's will. While this expansion of executive power is in harmony with the views and practice of one of the ablest, most independent and resourceful of our Presidents, even his supreme genius for moulding public opinion could not have produced these results if the trend of the popular mind had not been in that direction. The people are supreme and whatever happens is what they demand. The absorption of the time and mind of the citizen by the competitive intensity, higher standards and increased cost of our economic life, are rapidly relegating to some trusted leader the individual initiative which has been the characteristic of our political development, and the glorious mission of government by town meeting.

The swing of the pendulum from distribution to concentration of power is more marked even in our State of New York. In our earlier constitutions the Governor was everything. He was the source of patronage in every department, restrained only by a council which he dominated. In process of time this scheme built up the most influential political machine ever known. The Albany Regency made and unmade the fortunes of aspirants for office, and its strength was felt in every locality in the State and in all measures in the Legislature. It controlled through its patronage general and local conventions, and members of the Legislature and county officials were alike its creatures. Even the Judiciary, ap-

pointed to meet its purposes, was dangerously amenable to its ambitions or revenges. The people at length revolted and through the Convention of 1846 adopted a constitution by which they took to themselves both power and patronage, and stripped the Governor of most of his prerogatives. John T. Hoffman felt so keenly the limitations of his office that he tried to secure the appointment and removal of all administrative officers by the Governor, and the making of Constitutional officers, like Secretary of State, Attorney General, Comptroller and Treasurer, members of a cabinet and subject to the will of the Executive, but the memory of the Albany Regency was still fresh and the effort received little support. The creation of many new departments and the growth of old ones, caused by our financial and industrial development and constitutional amendments, have greatly increased the power and responsibility of the Governor. The ideas of Governor Hoffman have become popular, and if submitted now to the people would probably be adopted. With characteristic frankness and lucidity Governor Hughes advocates the concentration of power and responsibility in the Executive.

The Texas idea of municipal government which abolishes local legislatures, either of two houses or one, and substitutes a Mayor and board of four directors whose powers are practically unlimited in the management of the affairs of cities, is being widely adopted. Our State Senate, when sitting as a court of impeachment, is engaged in one of its highest duties, and yet the press voices impatience and intolerance that Senators should act independently upon their judgment on the testimony and not ascertain and follow the Executive wish. Twenty-five years ago as an attorney I opposed railway commissions. I became convinced that such supervision by the State was for the best interests of the people and the railroads. With the consent of my clients I joined the commercial bodies in advocating the measure, but it was passed with great difficulty owing to the jealousy of

the Legislature to delegating its powers. The commission thus created on the Massachusetts plan with advisory powers removed the evils then existing, and the railroads were obedient to its orders. There have been no scandals attached to its administration. It is the duty of the government to prevent discrimination by railroads in favor of or against localities, corporations and individuals, to prohibit unreasonable rates, to enforce efficiency and safety, to supervise increases of stock and to insure publicity in details of management, and this we have secured in our State. But complaints, mainly against local transportation service and lighting companies in cities, have accelerated the swing of the pendulum to autocratic State control.

A Public Utilities Bill is presented to the Legislature for its approval. It confers powers never known before and if adopted here will be followed in other States. Government ownership buys from the stock and bond holders their securities at a fair valuation. This is equitable to investors in railway securities, of whom, counting depositors in savings banks and policyholders in life and fire insurance companies, there are several millions. But government ownership of railroads is generally condemned, and in that I think we all agree. Under this measure, however, every attribute of ownership is conferred on a commission controlled by the Governor, except responsibility for returns on the capital invested. It can order everything which the President and Directors can in expenditures and on motive power, signals, patent appliances, equipment, tracks and bridges and the number and character of employees on the one hand and regulate earnings on the other by control of rates for fares and freight, but without any accountability for results. This is in its effect upon property and employment the most far reaching measure which any Legislature has ever had to consider, and yet the apparent popular tendency of the hour is to deny to either the Senate, with its fifty-

one members, and the House, with one hundred and fifty, all recently elected by the people, the right to alter or amend the provisions of the proposed law in any essential feature, especially as to conferring upon the Senate the power of removal or upon the courts the right of review of the orders of the commission.

This apparent impatience with the Legislative branch of our government happens at a period when in character, equipment and ability the standard of the Legislature was never higher.

Assemblyman Merritt in his very able and interesting speech on the bill before the Westchester Bar Association last Saturday evening, said that it made the commissioners associate Directors in the railroad Boards. But there is this difference between the commissioners as Directors and the Directors elected by the stockholders; The Commissioner Directors are supreme. They can nullify any action by the others, but if the Stockholder Directors fail to adopt the orders of the Commissioner Directors the company pays a heavy daily fine and the Directors elected by the stockholders go to jail, and there is no appeal.

As an indication of the way in which railroad measures are adopted in other states, the Michigan House of Representatives passed a two-cent fare bill last week without debate or reference to committee, with only one dissenting vote and then, according to the report in the Detroit News, "business was suspended and the jovial big ex-sheriff and member from Mount Clemens, Bill Nank, led off with everybody who could sing, in an anthem and requiem, closing with the following stanzas:

With bills and resolutions great,
Michigan, my Michigan;
We'll save this great and glorious State,
Michigan, my Michigan;
Our railroad fare we hate to pay,
In gold or greenbacks every day,
And wish we had the good old way,
Michigan, my Michigan.

But when the summer days shall come,
Michigan, my Michigan;
That bring the legislators home,
Michigan, my Michigan;
With flowers strewn along the way,
We'll hear the people loudly say,
What mighty work for meager pay,
Michigan, my Michigan."

I wonder if the shade of Michigan's great statesman, Lewis Cass, was present.

What of the future? Can we count upon the indefinite continuance of our present high standard of executive administration and responsibility which we have with Governor Hughes? There has never been a corrupt Governor of the State of New York. But some of them, in believing that "all is fair in love and war," and that "to the victor belong the spoils," have felt that they best served the commonwealth by strengthening their party organization by patronage, favors or fear.

In a contest for control within the party or a close fight with the opposite party, the glittering prize of power in influencing the earnings on hundreds of millions of capital and the employment of thousands of men, would tempt an ordinary mortal, and ambitious politicians are not extraordinary. In Pennsylvania the machine was overwhelmingly defeated two years ago, and my brilliant friend from college days, Wayne MacVeagh, who has been fighting it for a quarter of a century when obedience would have crowned him with every honor in the state and nation, celebrated the victory in most illuminating articles in the *North American Review*. "We have won," he claimed, "more than we ever hoped for—ballot reform, registration of voters, strict primaries, pure election laws and the abolition of corporation favors." But in the recent election the machine won as triumphantly as it was disastrously defeated. I asked one of its leaders how the miracle occurred. "Because," he replied, "with our perfect organization the primary is a cinch, and

the tired irregulars of reform could not withstand our trained veterans. There can be no longer the charge of stuffed ballot boxes, false returns and thugs. Our impregnable title now and for the future is from an unquestioned majority of the people."

But we turn from these storm signals of the time to the birthday joyousness of the hour. When the Black Crook first shocked and bewildered us years ago, the master of ceremonies shouted as the music blared and the ballet balanced on tip toe, "Let joy be unconfined." We can pass our evening without the scraps of the Peace Congress. I was a delegate to a peace congress in London which received scant notice abroad or here. Mr. Gladstone said to me he thought the movement absurd with seven millions of men in arms in Europe. But the congress held in New York a few days since was of worldwide interest and influence.

While Professor Osler would chloroform all over forty, and forty regards seventy as senile and superannuated, three-score-and-ten looks with compassionate pity on his juniors. He reckons the vast sum of love, fun and fight they have not yet known and in the accidents of life may never experience. A mining millionaire, struggling for social recognition said to his mentor, who was ordering for him the dinner he was giving to the fashionable elect, "Don't have peas. I can never keep them on my knife." But the septuagenarian educated by his mistakes has passed the period of doubt. The philosophy of a client of mine has been to me in stress of misfortune an invaluable asset. The day the stock exchange closed in 1873 he stood to lose everything and he overwhelmed with debt when it opened. As we walked up Broadway the old gentleman trod the pavement in silence, his coat buttoned tight, the collar up and his hat over his eyes. After the first two blocks he said, "It is mighty hard when a man has been rich for forty years to walk under a poor man's hat again." But at the end of the fourth block he threw open his coat, turned down the collar, and pushing

his hat on the back of his head, cried blithely, "Mr. Depew, the world always has gone around. I guess it will continue to go around." For him it did. In six months in the remarkable rise in stocks his fortune was regained. I met a gentleman of eighty who had done his full share of good work and enjoyed enviable distinction and then retired. He said to me, "My contemporaries are dead and I am so lonesome." He should have kept young with the young, and died with his boots on. The young are shy of age, not unsympathetic. They welcome with glee the old fellow who in being with, is of them, and can be both a Nestor and a sport. Certainly no man with the judgment which comes from maturity of years would have lost his sweetheart as did a youth by this poem:

"I sipped the nectar from her lips
As 'neath the moon we sat,
And wondered if I'd ere before
Sipped from a mug like that."

The Society of Ananias and Sapphira is becoming overcrowded. I remember an incident which shows how little the Scriptural story of this couple was understood among public men some years ago. Now there is no part of the Bible so well known. One of our Presidents, who, though the perfection of form in public, dearly loved his joke in private, introduced a very distinguished statesman to some friends of his at the White House by saying they were the principal officers of the Society of Ananias and Sapphira. "Glad to meet you, gentlemen," said the statesman. "I assure you I have no sympathy with the prevalent hostility to corporations. They are most useful in the upbuilding of our country and we could not do without them." "But," said the President, fearing he might make an enemy when the statesman caught on later, "it was the corporation of Ananias and Sapphira I referred to." "Yes," said the visitor, "I remember now receiving at one time a certificate of membership of that society and was proud of the honor."

There is a motto that saints have a past, but only sinners a future. I dissent, believing that for all Americans there is a happy future in this life, and the beyond will be what they make it. My Calvinistic mother fixed in me faith in special Providences, and the United States is the most conspicuous proof of this truth.

Over half a century upon the platform and in affairs has taught me one supreme lesson. It is that revolution and evolution, errors of legislation or crazes of the hour, crystalizing into policies, may check for the moment our development, but cannot stay our progress. The resistless spirit of American enterprise overcomes all obstacles. Sanity is our normal condition, and brain storms at rare intervals and for brief periods lift one foot from the ground, never both. With an archaic monetary system which produces periodical panics, raises the rate of interest on money to a hundred per cent. per annum, and prevents our occupying our natural position as the world's center of finance, we have yet built a commercial empire and reaped the harvest of a productive energy beyond the experience of any nation and all periods. We have no merchant marine and persistently refuse to adopt the methods by which rival nations keep their fleets on the ocean, and though we pay the freight to foreigners our producers manage to maintain a strong position in the markets of the world.

A cyclone in Wall street a few weeks since dropped the market value of stocks and bonds a thousand millions of dollars, but no banks suspended, no mercantile houses failed and no manufactories shut down. Railroad managers, because of the present difficulties in borrowing money at reasonable rates, canceled contracts for the year, amounting to four hundred and fifty millions of dollars. This was nearly all for labor, and yet labor was never before so scarce or commanded such high wages. Two of the most venerable and famous Universities, Oxford and Cambridge, are each appealing with little success to England's wealth and South African multi-mil-

lionaires for five millions of dollars to put their ancient foundations abreast of the times. But, not reckoning the liberal contributions of others, Rockefeller, Carnegie and Mrs. Sage have given over a hundred millions for higher education and advanced research in this country.

"The sun do move," said Parson Jasper to his colored congregation in Richmond, defying the discoveries of the astronomers. Not because, but in spite of violations of economic laws in some of its policies and of many alluring promises and some experiments under the leadership of eloquent theorists, the United States expands and develops beyond the wildest imaginings of the Fathers in all which constitutes national power and wealth and the welfare and happiness of its people.

I read this morning the noble oration delivered at the opening of the Exposition at Jamestown yesterday by President Roosevelt. It was worthy of the great occasion. Its eloquent portrayal of the difficulties and dangers which beset but could not discourage the early settlers, the underlying causes of our marvelous development during these three centuries, and the conditions and problems of the present will remain one of the most valuable contributions to our patriotic literature. Three hundred years of National life closed last evening and today ushers in our fourth century. The lesson of the cycles fills us all with pride in our country and abounding faith in its future.

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